

EXHIBIT 4

Chris Andreas - Bankruptcy Claim Forms- Kananian BIG ISSUE

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From: Chris Andreas
To: Group Partners
Date: Fri, Mar 10, 2006 7:16 PM
Subject: Bankruptcy Claim Forms- Kananian BIG ISSUE

I just argued more motions today in Kananian with Judge Hanna.

Perhaps the biggest bone of contention in this case is the admissibility of unverified BK forms submitted for Harry (Deceased) or the WD heirs. We already argued this issue when I was in Cleveland and more argument occurred today.

Judge Hanna is going to allow the 6 or so claim forms (attached) into evidence, although they will be redacted to remove settlement info. Lorillard and its experts are using these to show causative exposure from sources other than Kent cigarettes and to make plaintiffs' counsel look slimy

Almost all of the BK forms were prepared by Early Ludwick & Sweeney. These are the most troublesome.

1. The 48 Insulations BK form (prepared by ELS) indicates under job code and duration of exposure that Harry Kananian (deceased) was exposed in a shipyard for 24 months to block insulation. Harry Kananian was a rifleman in the US Army, who shipped out on a troop transport ship from HPNSY to the Philippines and after the war, shipped back on another troop transport ship from Japan. That is the extent of his shipboard exposure.
2. The Eagle Picher BK form (also prepared by ELS) makes things worse describing Mr. Kananian as a shipyard welder or worker in SF, Phillipines and Japan during WWII. The description of his work as a payroll clerk at various plants overstates any possible exposure he might have had to insulation.
3. The UNR BK form (also prepared by ELS) is the absolute worst of the bunch!!! They describe Harry Kananian as unloading Unarco Unibestos off ships in Japan. Mr. Kananian supervised Japanese workers unloading ships for a short time at the end of the war. He was rarely on ship and there is absolutely no evidence that anyone shipped or unloaded Unibestos on any of ship he was involved with during this period, least of all Mr. Kananian himself. This gives their experts ammo to blame amosite exposure.
4. The Celotex BK form (also prepared by ELS) is not as bad as the others, but repeats the inane description of Mr. Kananian working with "tools of asbestos", whatever the hell that is, while working for one of his early employers.
5. The Bethlehem BK form (prepared by BP) is not a problem.
6. Defense also has the JM claim form which I have not seen recently. It is not as bad as the ELS stuff, but I believe we also overstate Mr. Kananian's exposure by indicating he was exposed as some type of shipyard worker at HPNSY (he was there for one day to pick up his ship). We have a JM connection in this case by virtue of JM insulation used at HPNSY and installed on the General John Pope, the transport ship he was on to the Phillipines. He slept below insulated pipes in his berthing quarters. We nailed WMAC for the same connection.

Bruce Carter is understandably concerned about this situation, as am I. These inaccurate claim forms are now going into evidence at trial. I am forced to try to explain them away as mistakes by clerks or attys. A jury is going to look down on this type of fabrication by lawyers and can use this information to dump plaintiffs by finding that

Judge Hanna said today that he would not admit them if plaintiffs gave all the monies they received from

these trusts back before trial. This amounts to about \$150,000 or so, the majority of which was obtained by ELS. I think BP may have brought in about \$20,000.

I am not as concerned about the BP submissions (BETH and JM) as I am about the ELS crap.

Does ELS have a piece of this case still? Their actions are seriously jeopardizing the case.

A serious concern regarding malpractice is also implicated and a potential conflict in going forward.

What do you want to do?

1. Give the money back and improve our chances at trial in a joint and several jurisdiction with pain and suffering surviving? This would involve getting ELS to pay back their share. The clients already received their share so both firms would have to suck it up. Amended claims could be submitted later to try to recoup something from the trusts.

2. Go forward at trial and try to explain these things away to a jury....i.e. they are mistaken...focus on sworn depos and rog responses, not unsworn claim forms that were just used to pry money out of a bankrupt.

Please advise.

>>> "Bruce Carter" <brucecarteresq@cinci.rr.com> 3/10/2006 2:15 PM >>>
I think we should give the money back. It can come from your firm, partially
reimbursed from Early Ludwig or taken from any cut they get from the
verdict.

We can get deduct the monies paid back from any recovery in this case.

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